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HOUSE BILL 2817

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State of Washington                      60th Legislature                      2008 Regular Session

By Representatives Campbell, Green, Morrell, Hudgins, and McCune

Read first time 01/16/08. Referred to Committee on Select Committee on Environmental Health.

1            AN ACT Relating to motor vehicles, vehicles, and vessels  
2 contaminated with methamphetamines; amending RCW 64.44.040 and  
3 64.44.050; and adding a new section to chapter 64.44 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            **Sec. 1.** RCW 64.44.040 and 2006 c 339 s 204 are each amended to  
6 read as follows:

7            (1) Upon issuance of an order declaring property unfit and  
8 prohibiting its use((7)): (a) If the property is a motor vehicle as  
9 defined in RCW 46.04.320, a vehicle as defined in RCW 46.04.670, or a  
10 vessel as defined in RCW 88.02.010, and methamphetamine or any of its  
11 salts, isomers, and salts of isomers are found inside, the city or  
12 county in which the property is located shall take action to prohibit  
13 use, occupancy, or removal, and shall require demolition or disposal of  
14 such property; (b) in cases of all other types of contaminated  
15 property, the city or county in which the contaminated property is  
16 located may take action to prohibit use, occupancy, or removal of such  
17 property; condemn, decontaminate, or demolish the property; or require  
18 that the property be vacated or the contents removed from the property.  
19 The city or county may use an authorized contractor if property is

1 demolished, decontaminated, or removed under this section. The city,  
2 county, or contractor shall comply with all orders of the health  
3 officer during these processes. No city or county may condemn,  
4 decontaminate, or demolish property pursuant to this section until all  
5 procedures granting the right of notice and the opportunity to appeal  
6 in RCW 64.44.030 have been exhausted, but may prohibit use, occupancy,  
7 or removal of contaminated property pending appeal of the order.

8 (2)(a) It is unlawful for any person to enter upon any property, or  
9 to remove any property, that has been found unfit for use by a local  
10 health officer pursuant to RCW 64.44.030.

11 (b) This subsection does not apply to: (i) Health officials, law  
12 enforcement officials, or other government agents performing their  
13 official duties; (ii) authorized contractors or owners performing  
14 decontamination pursuant to authorization by the local health officer;  
15 and (iii) any person acting with permission of a local health officer,  
16 or of a superior court or hearing examiner following an appeal of a  
17 decision of the local health officer.

18 (c) Any person who violates this subsection is guilty of a  
19 misdemeanor.

20 (3) No provision of this section may be construed to limit the  
21 ability of the local health officer to permit occupants or owners of  
22 the property at issue to remove uncontaminated personal property from  
23 the premises.

24 **Sec. 2.** RCW 64.44.050 and 2006 c 339 s 205 are each amended to  
25 read as follows:

26 (1) Except as provided in subsection (2) of this section, an owner  
27 of contaminated property who desires to have the property  
28 decontaminated, demolished, or disposed of shall use the services of an  
29 authorized contractor unless otherwise authorized by the local health  
30 officer. The contractor and property owner shall prepare and submit a  
31 written work plan for decontamination, demolition, or disposal to the  
32 local health officer. The local health officer may charge a reasonable  
33 fee for review of the work plan. If the work plan is approved and the  
34 decontamination, demolition, or disposal is completed and the property  
35 is retested according to the plan and properly documented, then the  
36 health officer shall allow reuse of the property. A release for reuse  
37 document shall be recorded in the real property records indicating the

1 property has been decontaminated, demolished, or disposed of in  
2 accordance with rules of the state department of health. The property  
3 owner is responsible for: (a) The costs of any property testing which  
4 may be required to demonstrate the presence or absence of hazardous  
5 chemicals; and (b) the costs of the property's decontamination,  
6 demolition, and disposal expenses, as well as costs incurred by the  
7 local health officer resulting from the enforcement of this chapter.

8 (2) In a case where the contaminated property is a motor vehicle as  
9 defined in RCW 46.04.320, a vehicle as defined in RCW 46.04.670, or a  
10 vessel as defined in RCW 88.02.010, and methamphetamine or any of its  
11 salts, isomers, and salts of isomers were found inside, the owner of  
12 the property shall have the property demolished or disposed of by an  
13 authorized contractor within thirty days of receiving notice that the  
14 property is declared unfit, prohibited from use, and all procedures  
15 granting the right of notice and the opportunity to appeal in RCW  
16 64.44.030 have been exhausted. If the contaminated property is not  
17 demolished or disposed of within the thirty-day notice, then the local  
18 health department or the local law enforcement agency shall have the  
19 property demolished and disposed. The property owner is responsible  
20 for the costs of the property's demolition and disposal expenses, as  
21 well as costs incurred by the local health officer or the local law  
22 enforcement agency resulting from the enforcement of this chapter.

23 (3) The local health officer has thirty days from the issuance of  
24 an order declaring a property unfit and prohibiting its use to  
25 establish a reasonable timeline for decontamination. The department of  
26 health shall establish the factors to be considered by the local health  
27 officer in establishing the appropriate amount of time.

28 The local health officer shall notify the property owner of the  
29 proposed time frame by United States mail to the last known address.  
30 Notice shall be postmarked no later than the thirtieth day from the  
31 issuance of the order. The property owner may request a modification  
32 of the time frame by submitting a letter identifying the circumstances  
33 which justify such an extension to the local health officer within  
34 thirty-five days of the date of the postmark on the notification  
35 regardless of when received.

36 NEW SECTION. Sec. 3. A new section is added to chapter 64.44 RCW  
37 to read as follows:

1        It shall be unlawful for any person to advertise for sale or to  
2 sell a motor vehicle as defined in RCW 46.04.320, a vehicle as defined  
3 in RCW 46.04.670, or a vessel as defined in RCW 88.02.010 that has been  
4 declared unfit and prohibited from use under this chapter if the person  
5 has knowledge that the vehicle or vessel has been found to be  
6 contaminated with methamphetamine or any of its salts, isomers, and  
7 salts of isomers.

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